

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NADIA NOORZAI,

Plaintiff,

v.

GENENTECH, INC., et al.,

Defendants.

NO. C12-4914TEH

ORDER LIMITING DECEMBER
3 HEARING

This matter comes before the Court on Plaintiff's motion to remand and Defendant's motion to dismiss (Docket Nos. 16 and 7, respectively). After carefully reviewing the parties' papers, the Court is inclined to deny Plaintiff's motion to remand but grant her request to amend the complaint to remove the claim for ERISA-governed disability benefits. *See* Reply at 3-4. The Court is further inclined to remand this case once Plaintiff files an amended complaint that contains no federal claims or claims completely preempted by federal law. Accordingly, the December 3, 2012 hearing shall focus only on Plaintiff's motion to remand and the hearing on Defendant's motion to dismiss is hereby VACATED. If the Court denies the motion to remand without leave to amend, the Court will reschedule the hearing on the motion to dismiss or decide the matter on the papers; otherwise, the motion to dismiss will be terminated as moot.

The parties need not appear on December 3 if they file a stipulation and proposed order on or before **November 30, 2012**, that Plaintiff may file an amended complaint and

1 that the parties agree the case should be remanded once the amended complaint has been
2 filed.

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4 **IT IS SO ORDERED.**

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6 Dated: 11/27/12



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT